

**Amendment No.** \_\_\_\_\_

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**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1377**

**House Bill No. 795\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-3-310, is amended by adding the following language as a new subdivision:

(3) An LEA may purchase technology using state school funds under this section in a school year immediately following a textbook adoption cycle in which the state textbook and instructional materials quality commission did not list or recommend career and technical education textbooks or instructional materials.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1252**

**House Bill No. 837\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act is known and may be cited as the "Property Tax Relief for Rapid Growth Counties".

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following as a new part:

**49-6-3601.**

This part is known and may be cited as the "Opportunity Scholarships Program".

**49-6-3602.**

As used in this part, unless the context otherwise requires:

(1) "Department" means the department of education;

(2) "Eligible school district" means an LEA with a minimum average growth of two percent (2%) in average daily membership (ADM), as defined in § 49-3-302, over the past five (5) fiscal years immediately preceding the current fiscal year, that is designated by the department as an eligible school district and that is required to participate in the program at the direction of the local legislative body or local board of education for a special school district;

(3) "Eligible student" means a student who:

(A)

(i) Resides within the boundaries of an LEA that, at the time of the student's initial application for a scholarship, is designated as an eligible school district by the department;



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(ii) Is zoned to attend or is currently enrolled in a public school within an eligible school district;

(iii) Meets the minimum age requirements specified in § 49-6-3001, with eligibility extending until the student graduates from high school; however, the student must be younger than twenty-two (22) years of age on August 15 of each year; and

(iv) Was previously enrolled in a Tennessee public school during the two (2) semesters immediately preceding the semester in which the student receives a scholarship under this part, or is enrolling in a school within the LEA for the first time; or

(B)

(i) Received a scholarship pursuant to this part in the previous school year;

(ii) Resides within the boundaries of an LEA which was designated as an eligible school district during the school year in which the student began participating in the scholarship program; and

(iii) Meets the minimum age requirements specified in § 49-6-3001, with eligibility extending until the student graduates from high school; however, the student must be younger than twenty-two (22) years of age on August 15 of each year;

(4) "Parent" means the parent, legal guardian, person who has custody of the child, or person with caregiving authority for the child under § 49-6-3001;

(5) "Participating school" means a private school, as defined in § 49-6-3001(c)(3), that:

(A) Meets the requirements established by the department of education and the state board of education for a Category I, II, or III private school;

(B) Complies with the requirements of this part; and

(C) Seeks to enroll eligible students;

(6) "Program" means the scholarship program created by this part;

(7) "Scholarship" means payments made by the department to participating schools on behalf of a scholarship student for tuition and fees pursuant to this part;

(8) "Scholarship student" or "scholarship recipient" means an eligible student who is awarded a scholarship pursuant to this part;

(9) "State board" means state board of education; and

(10) "Tuition and fees":

(A) Means the cost of educating an enrolled student, inclusive of any cost required as a condition of attending the participating school or using its equipment or facilities while participating in or receiving educational training; and

(B) Includes operational and facility costs, transportation costs, meal costs, and any additional costs associated with participating in the program or educating students.

**49-6-3603.**

(a) By May 1, 2022, the department of education, in collaboration with the state board, shall establish a scholarship program to assist eligible students in kindergarten through grade twelve (K-12) who are attending a school in an LEA designated by the department as an eligible school district to attend a participating private school of the student's choice.

(b)

(1) Notwithstanding § 49-2-203 or any other provision of law to the contrary, the local legislative body shall decide whether an LEA must participate in the scholarship program.

(2) Notwithstanding subdivision (b)(1), the local board of education for a special school district school board shall decide whether the special school district must participate in the scholarship program.

**49-6-3604.**

(a) A participating school shall:

(1) Voluntarily agree to participate in the program and enroll eligible students pursuant to this part;

(2) Provide notice, on an annual basis, of intent to participate in the program to the department through completion of an application developed by the department. The notice must include the number of available seats by grade level;

(3) Comply with all health and safety laws or codes that are applicable to the participating school;

(4) Annually administer to scholarship students state assessments as provided in chapter 1, part 6 of this title;

(5) Provide the parent of a scholarship student with the results of the parent's student's annual mandatory state assessments;

(6) Provide the department with graduation rates, or the equivalent information of scholarship students, as well as other student information allowing for the aggregation of data as determined and required by the department;

(7) Comply with nondiscrimination policies in the same manner as the LEA in which the student resides and otherwise abide by the participating school's written admission policy with regard to students who are awarded scholarships under this part. If a scholarship student is not successfully enrolled in a school, then the student remains eligible to enroll in another participating school;

(8) Not discriminate against students with special education needs who meet the requirements for admission to the school; however, as a private school, a participating school shall offer only those services the school already provides

to assist students with special needs. A participating school may partner with an LEA or other participating school to provide special education services. The parent of an eligible student must sign an agreement promising not to enroll the parent's eligible student in a public school and to release the LEA in which the student resides and is zoned to attend from all obligations to educate the student. Participation in the program is considered a parental placement under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1414);

(9) Require any person applying for a position as a teacher or any other position requiring close proximity to children, including contractors and service providers, to submit to a criminal background check; and

(10) Comply with § 49-5-202.

(b) Participation in the program by a school is voluntary, and this part does not authorize any additional regulation of participating schools beyond that specifically authorized by this part. A school participating in the program is not a state actor, or agent of the state or federal government, by virtue of its participation in this program.

(c) The amount of a scholarship awarded to a student shall not be treated as income or an asset for the purposes of any individual tax or qualification for any other federal or state grant or program.

**49-6-3605.**

(a) The department shall develop procedures necessary for administering the scholarship program created by this part. In administering the program, the department shall:

(1) Annually identify each LEA with a minimum average growth of two percent (2%) in average daily membership (ADM), as defined in § 49-3-302, over the past five (5) fiscal years immediately preceding the current fiscal year, and notify the LEA and local legislative body or the local board of education for the special school district of the LEA's eligibility;

(2) Establish an application process for an LEA to receive designation as an eligible school district from the department upon the request of the local legislative body or the local board of education for the special school district. The department shall annually publish a list of all LEAs designated as eligible school districts on the department's website;

(3) Require all eligible school districts to provide the department with the names of the parents of eligible students;

(4) Provide notice to parents of the parent's student's eligibility and a list of participating schools;

(5) Provide parents of eligible students written notice that participation in the program is a parental placement under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1412) and a written explanation of the rights that parentally placed children possess under IDEA, including eligibility for equitable services, and any applicable state laws or rules;

(6) Create a standard application that parents and students interested in the scholarship program may submit to establish scholarship eligibility;

(7) Establish application and participation timelines that will maximize student and school participation;

(8) Accept applications from parents of eligible students and award scholarships to eligible students. Each application must indicate the parent's choice or choices of participating schools;

(9) Determine and approve school and student eligibility and participation pursuant to the requirements of this part. The department shall award scholarships to no more than four thousand two hundred (4,200) students per LEA per school year pursuant to this part. If the number of eligible students who submit applications exceeds four thousand two hundred (4,200), then the department shall conduct a random selection process to award scholarships that

provides each eligible student with an equal opportunity for selection. The department shall give preference to students already enrolled in a participating school and to siblings of such students;

(10) Remit scholarship payments to participating schools on behalf of scholarship recipients; however, any scholarship awarded under this part must be the entitlement of the scholarship student under the supervision of the student's parent and is not an entitlement of any participating school; and

(11) Annually publish, in compliance with all state and federal student privacy laws, student achievement and progress information for each participating school, which must include:

(A) Achievement results in the aggregate, including educational progress, for scholarship recipients;

(B) The graduation rate for scholarship recipients; and

(C) The retention rate for scholarship recipients.

(b)

(1) The department may suspend or terminate a school's participation in the program, if the department determines the school has:

(A) Failed to comply with the requirements of this part;

(B) Misappropriated scholarship funds; or

(C) Misrepresented assessment scores of, or academic achievement by, scholarship students.

(2) If the department suspends or terminates the school's participation, the department shall notify affected scholarship students and the student's parent of the decision. If a participating school is suspended or terminated from the program, or if the school otherwise withdraws from the program, scholarship students enrolled at the school may transfer to another participating school



without loss of scholarship eligibility and such students must be given preference for enrollment.

(c) Notwithstanding subsection (b), an eligible student is entitled to one (1) scholarship per school year. If the scholarship student voluntarily leaves a participating school for reasons other than suspension or termination of the school by the department, and enrolls in another participating school, the student and the successor participating school shall not receive any funds under this part for the payment of tuition and fees for the remainder of the school year. However, if the scholarship student enrolls in a public school, then the LEA shall receive the funds that otherwise would have been remitted to a participating school on behalf of the scholarship student.

(d) In compliance with all state and federal student privacy laws, the LEA, in a timely manner, shall provide a participating school that has admitted an eligible student under this part with a complete copy of the student's school records in the possession of the LEA.

(e) The name or any other information that alone, or in combination, could personally identify a scholarship recipient must be treated as confidential and is not open to public inspection. This part does not prevent the department, state board, or participating schools from accessing and utilizing such records as required to fulfill their lawful functions.

**49-6-3606.**

(a) After initial approval by the department as a participating school, a school may continue to enroll additional eligible students through the program; provided, the school demonstrates achievement growth for scholarship students, in the aggregate, at a minimum level of "at expectations," as represented by a value-added assessment system developed pursuant to chapter 1, part 6 of this title.

(b) If a participating school demonstrates achievement growth for scholarship students, in the aggregate, at a level of "significantly below expectations" for two (2)

consecutive years, as represented by a value-added assessment system developed pursuant to chapter 1, part 6 of this title, then the commissioner may suspend or terminate a school's participation in the program. If the department suspends or terminates the school's participation, then the department shall notify affected scholarship students and the students' parents of the decision.

**49-6-3607.**

(a) The annual scholarship amount to which an eligible student is entitled under this part is equal to the lesser of the following:

- (1) The cost of tuition and fees charged by the participating school; or
- (2) The amount representing the per pupil state and local funds generated and required through the basic education program (BEP) for the eligible school district.

(b) For the purposes of funding calculations, each scholarship recipient must be counted in the enrollment figures for the eligible school district. The scholarship funds must be subtracted from the total state funds otherwise payable to the eligible school district and must be paid directly to the participating school.

(c) Subject to appropriation, the department shall disburse grants to eligible school districts in an amount equal to twenty-five percent (25%) of the per pupil state and local funds generated and required through the basic education program (BEP) for the eligible school district for each scholarship student who:

- (1) Was enrolled in and attended a school in the eligible school district for the one (1) full school year immediately preceding the school year in which the student began participating in the scholarship program; and
- (ii) Generates BEP funds for the eligible school district in the applicable fiscal year that will be subtracted from the state BEP funds payable to the eligible school district under subsection (b).

(d) If the participating school's cost of tuition and fees is less than the amount specified in subdivision (a)(2), the remaining funds must be retained by the department and the eligible school district, with specific amounts based on the eligible school district's state and local funding share under the BEP.

(e) The department shall develop a schedule for payments of scholarship funds to participating schools. If a participating student is enrolled in a participating school for less than the entire school year, then the scholarship provided under this part must be reduced on a prorated basis to reflect the shorter school term.

SECTION 3. The state board is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. This act is not an appropriation of funds, and funds shall not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1579\***

**House Bill No. 1570**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following as a new section:

(a) The commissioner of education shall obtain approval from the state board of education for changes to the formula used to calculate school or LEA performance goals and measures established pursuant to this part.

(b) To ensure stakeholder input, prior to submitting a proposal to the state board to change the formula used to calculate performance goals and measures for schools or LEAs, the commissioner shall convene a working group that includes, but is not limited to:

(1) The chair of the education administration committee of the house of representatives;

(2) The chair of the education instruction committee of the house of representatives;

(3) The chair of the education committee of the senate;

(4) The executive director of the state board of education;

(5) A representative from the Tennessee Organization of School Superintendents (TOSS);

(6) A representative from the Tennessee School Boards Association (TSBA);



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(7) A public school teacher from urban, suburban, and rural districts in this state; and

(8) A parent of a child who is enrolled in a public school in this state. For the purposes of this section, "parent" includes the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001.

(c) To ensure meaningful stakeholder engagement on a change to the formula used to calculate performance goals and measures for schools or LEAs, the commissioner shall provide relevant materials in advance of a convening of the working group required by subsection (b), to provide adequate time for working group members to gather feedback from their respective peers.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1034\***

**House Bill No. 1513**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act is known and may be cited as the "Textbook Transparency Act."

SECTION 2. Tennessee Code Annotated, Section 49-6-2203(d), is amended by deleting subdivision (3) and substituting instead the following:

(3)

(A) In addition to the finished textbooks and instructional materials required to be filed with the secretary of the commission, publishers shall make all textbooks and instructional materials proposed for adoption available for inspection by LEAs and the public online, which may include access via the state textbook depository's website. The online inspection must allow inspection of both the textbook or instructional materials and all accompanying manuals, workbooks, and other ancillary materials. The content, including pictures and graphs, of the textbooks, instructional materials, and supplementary materials that are made available for online inspection must be in finished form and must be the same as what would be distributed to public schools.

(B) The commission shall require that a publisher in its bid document agree to provide complete online copies of the textbooks or instructional materials bid during the review process by the advisory panels for a period of no less than ninety (90) days. Textbooks and instructional materials approved by the state board of education for local adoption must remain accessible to the public pursuant to subdivision (d)(3)(C).



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(C)

(i) A publisher that submits textbooks or instructional materials for adoption shall provide the department of education with a link to the textbooks or instructional materials that the public and advisory panel members can use to access the textbooks or instructional materials. The department shall post the links provided by publishers pursuant to this subdivision (d)(3)(C)(i) on the department's website.

(ii) A publisher of textbooks or instructional materials approved by the state board for local adoption shall provide each LEA with a link to the textbooks or instructional materials that the public can use to access the textbooks or instructional materials. Each LEA shall:

(a) Post, on the LEA's website, the links provided by publishers pursuant to this subdivision (d)(3)(C)(ii) for textbooks or instructional materials adopted by the LEA; or

(b) Identify, on the LEA's website, the name and publisher of textbooks or instructional materials adopted by the LEA and provide a link to the state textbook depository's website where the textbooks or instructional materials may be accessed.

(iii) The links provided pursuant to this subdivision (d)(3)(C) must remain active for all textbooks and instructional materials approved by the state board for so long as the textbooks and instructional materials are approved for local adoption or adopted by the LEA, respectively.

(D)

(i) A publisher of textbooks or instructional materials for which a waiver is granted to an LEA pursuant to § 49-6-2206, shall provide the respective LEA with a link to the textbooks or instructional materials that the public can use to access the textbooks or instructional materials.

(ii) Each LEA shall:

(a) Post, on the LEA's website, the link provided by the publisher pursuant to subdivision (d)(3)(D)(i); or

(b) Identify, on the LEA's website, the name and publisher of the textbooks or instructional materials for which the LEA received a waiver pursuant to § 49-6-2206, and provide:

(1) A link to the state textbook depository's website where the textbooks or instructional materials may be accessed by the public; or

(2) Instructions for how the public may access the textbooks or instructional materials at the central office of the LEA's local board of education.

(iii) The links provided pursuant to this subdivision (d)(3)(D) must remain active for all textbooks or instructional materials for so long as the textbooks or instructional materials are adopted.

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.



Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1225**

**House Bill No. 1077\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3115(a)(2)(A), is amended by adding the following as a new subdivision:

(vi) The student's results on a nationally norm-referenced test or state-approved benchmark or skills assessment administered to the student by the LEA demonstrates that the student is reading on grade level.

SECTION 2. Tennessee Code Annotated, Section 49-6-3115(c), is amended by adding the following as a new subdivision:

(3) Subsection (a) does not apply to a student:

(A) Who has an individualized education program (IEP) pursuant to the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.);

(B) Who is in the process of obtaining special education services; or

(C) Who is diagnosed as having a reading disorder, including, but not limited to, dyslexia.

SECTION 3. This act takes effect July 1, 2022, at 12:01 a.m., the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1101\***

**House Bill No. 1460**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-1006, is amended by deleting the section and substituting instead the following:

(a) Beginning with the 2025-2026 school year:

(1) LEAs and public charter schools shall strive to provide age-appropriate and grade-appropriate instruction to public school students in grades five (5) and eight (8) on black history and culture and the contribution of black people to the history and development of this country and of the world. The instruction must strive to include the history, heritage, culture, experience, and ultimate destiny of all social, ethnic, gender, and national groups and individuals, and that such are represented as interdependent, interactive, and complementary; and

(2) LEAs and public charter schools are encouraged to provide age-appropriate and grade-appropriate instruction to public school students, at appropriate grade levels, as determined by the respective local board of education or public charter school governing body, other than the grade levels identified in subdivision (a)(1), on black history and culture and the contribution of black people to the history and development of this country and of the world. The instruction must strive to include the history, heritage, culture, experience, and ultimate destiny of all social, ethnic, gender, and national groups and



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individuals, and that such are represented as interdependent, interactive, and complementary.

(b) The department of education shall strive to provide LEAs and public charter schools with a variety of age-appropriate and grade-appropriate internet resources and materials that may be used to provide age-appropriate and grade-appropriate instruction to public school students in grades five (5) and eight (8) on black history and culture and the contribution of black people to the history and development of this country and of the world. The resources and materials identified by the department must strive to aid educators and curriculum coordinators in creating programs and lesson plans. LEAs and public charter schools shall strive to determine the resources and materials that will be used to provide the instruction required and encouraged under subsection (a).

(c) The state board of education shall strive to include multicultural diversity when developing frameworks and standards to be taught at appropriate grade levels kindergarten through grade twelve (K-12).

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new section:

Academic standards in social studies adopted by the state board of education after July 1, 2021, must strive to include black history and culture and the contribution of black people to the history and development of this country and of the world. The academic standards in social studies adopted for implementation in the 2025-2026 school year, and in subsequent school years, must strive to include the history, heritage, culture, experience, and ultimate destiny of all social, ethnic, gender, and national groups and individuals, and that such are represented as interdependent, interactive, and complementary.

SECTION 3. Section 1 of this act takes effect July 1, 2025, the public welfare requiring it, and applies to the 2025-2026 school year and each school year thereafter. All remaining sections of this act take effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 659\***

**House Bill No. 1535**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 22, is amended by adding the following as a new section:

(a) As used in this section, "supplemental materials" means print materials, electronic resources, or instructional aids, or any combination of the same, used to support textbooks or instructional materials approved by the state board of education.

(b) Supplemental materials shall not:

(1) Supplant textbooks or instructional materials approved by the state board that are locally adopted by the LEA or public charter school; or

(2) Be used in the public schools of this state if the supplemental materials are created to align exclusively with the Common Core State Standards or are marketed or otherwise identified as Common Core materials.

(c) A local board of education or public charter school governing body:

(1) Shall establish a process for the review and approval of supplemental materials proposed for use in the public schools governed by the local board of education or public charter school governing body. A list of all approved supplemental materials must be posted on the LEA's or public charter school's website for public inspection; and

(2) Shall establish a process for parents and legal guardians of students enrolled in the LEA or public charter school to submit complaints to the school



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principal, or the principal's designee, regarding supplemental materials used in the parent's or legal guardian's student's school. The process must provide:

(A) Parents and legal guardians aggrieved by the school principal's, or the principal's designee's, response to the parent's or legal guardian's complaint the opportunity to appeal the response to the local board of education or public charter school governing body; and

(B) That the decision of the local board of education or public charter school governing body on appeal is final.

(d) The commissioner of education shall withhold a portion of the state education finance funds that an LEA is otherwise eligible to receive if a teacher or principal employed by the LEA or public charter school intentionally violates the prohibitions of subsection (b) by purposefully using, or permitting to be used, in the person's school, supplemental materials created to align exclusively with the Common Core State Standards or are marketed or otherwise identified as Common Core materials, or that have been rejected for use by the teacher's or principal's local board of education or public charter school governing body pursuant to subsection (c).

SECTION 2. For purposes of a local board of education's or public charter school governing body's development and establishment of policies and processes, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1336\***

**House Bill No. 1516**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-602, is amended by adding the following at the end of subdivision (a)(1):

In addition to academic performance goals and measures, LEA performance goals and measures must include measures of the LEA's competence in meeting its operational responsibilities, including compliance with § 49-1-209; competence in meeting its fiscal responsibilities, including compliance with § 49-1-210; and compliance with federal and state laws, rules, regulations, policies, and guidelines.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following as a new section:

(a) The commissioner of education shall assess each LEA annually to determine whether the LEA is meeting the performance goals and measures set by the state board of education pursuant to § 49-1-602(a)(1). If the commissioner determines, at any time:

(1) That an LEA is not meeting the performance goals and measures, or that an LEA is not meeting its responsibilities to one (1) or more of its priority or focus schools, then the commissioner shall provide guidance and technical assistance to the LEA in developing and implementing an improvement plan; or

(2) That an LEA has historically not met the performance goals and measures, or that an LEA has historically not met its responsibilities to one (1) or more of its priority or focus schools, then the commissioner shall assume all powers of governance for the LEA in order to ensure that the LEA's students are



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provided a free public education that affords the students educational opportunities that are substantially equal to the educational opportunities provided to students enrolled in other LEAs.

(b) An LEA identified pursuant to subsection (a) for which the commissioner assumes all powers of governance pursuant to this section shall continue to meet its required basic education program match and required maintenance of effort.

(c) The commissioner may assume all powers of governance for an LEA identified pursuant to subsection (a) beginning with the 2021-2022 school year. The commissioner may recommend to the state board that the LEA's director of schools or that some or all of the members of the LEA's local board of education be replaced.

(d) If the state board approves the commissioner's recommendation to replace the LEA's director of schools or some or all of the members of the LEA's local board of education, then the commissioner shall order the removal of the director of schools or some or all of the members of the LEA's local board of education, and shall declare a vacancy in the respective office. Upon the removal of an LEA's director of schools or one (1) or more of the members of an LEA's local board of education, the person removed pursuant to this section must be replaced as follows:

(1) Notwithstanding § 49-2-301, the commissioner shall appoint a person to fill the vacancy in the office of the LEA's director of schools. The person appointed to fill the vacancy in the office of the LEA's director of schools has all of the same powers and authority provided in this title for directors of schools appointed by local boards of education;

(2) If the commissioner removes a member of a county's or city's board of education, then the local legislative body shall fill the vacancy until the next general election for which candidates may qualify. After certification of the election by the county election commission, the candidate elected fills the vacancy for the remainder of the unexpired term; and

(3) If the commissioner removes three (3) or fewer members of a special school district's board of education, then the commissioner shall appoint a responsible citizen residing in the district to fill each of the vacancies. If the commissioner removes more than three (3) members of a special school district's board of education, then the commissioner shall appoint responsible citizens residing in the district to fill three (3) of the vacancies. The three (3) citizens appointed to the board must fill any remaining vacancies on the special school district's board of education. A person selected to fill a vacancy on a special school district's board of education serves the remainder of the unexpired term.

(e) Notwithstanding any law to the contrary, a director of schools or a member of a local board of education removed by the commissioner pursuant to this section is ineligible for appointment or election to the office from which the person was removed for the remainder of the person's term and for one (1) full term thereafter.

(f)

(1) The commissioner may return all powers of governance to an LEA from which they were removed pursuant to this section, if the LEA demonstrates, in the commissioner's discretion, sufficient progress toward meeting the performance goals and measures set by the state board of education pursuant to § 49-1-602(a)(1), and demonstrates competence in meeting its operational responsibilities, including compliance with § 49-1-209; competence in meeting its fiscal responsibilities, including compliance with § 49-1-210; and compliance with federal and state laws, rules, regulations, policies, and guidelines.

(2) Notwithstanding subdivision (f)(1), the commissioner shall not retain all powers of governance for an LEA for more than five (5) school years. The commissioner shall develop a plan to transition all powers of governance from the commissioner to the LEA's director of schools and local board of education



no later than July 1 before the school year for which all powers of governance  
and school operation will be returned to the respective LEA.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.